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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,748	08/30/2001	Hiroki Nakahara	9319S-000262	8473
27572	7590	02/24/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			RAO, SHRINIVAS H	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/943,748

Applicant(s)

NAKAHARA ET AL.

Examiner

Steven H. Rao

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-5, 8-10, 12, 15 and 19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments are not persuasive. Applicants' first contention is based on improper restatement of the rejection and impermissible piece meal analysis. It is well settled law that in response to Applicants' piece meal analysis of the references, it has been held that one cannot show non-obviousness by attacking references individually whereas here the rejections are based on combination of references. The outstanding rejection is based on the combined teachings of AAPR and Masaki. wherein AAPR figure 8 and the corresponding description in specification paras 0006 and 0007 describe the removing step of at least a part of the injection port sealing material bleeding outside a contour of said liquid crystal panel and the Masaki reference is applied to show the step of curing the injection port sealing material after injection port sealing material removal step (taught by AAPR). Therefore as the primary reference AAPR teaches the step of removing a portion of the injection sealing material it is not necessary for the secondary reference Masaki to repeat /also teach it. Therefore Applicants' conclusion that Masaki is cited as teaching removal of the injection port sealing material is wrong. If Applicants' position were true the outstanding rejection would have been a 102 rejection over Masaki alone and not a 103 rejection over the combined teachings of AAPR and Masaki. Applicants' second contention that "the absorbent material only contacts the uncured sealing material at an edge (the claimed contour) of the liquid crystal panel" is not persuasive because applicants' argument is not commensurate with the scope of the presently recited claims (at least 2 & 15), which does not exclude the absorbent material contacting the upper or lower surfaces of the display substrate. (Limitations not included in the claim may not be relied upon to impart patentability- In re Lundberg, 113 USPQ 530 (CCPA 1957). Applicants' attempt to limit Masaki's teachings to wiping with cotton swab as being different from absorption by cotton swab is not persuasive because during wiping by cotton swab absorption will also occur. Next as stated above AAPR already teaches the removal of the injection port sealing material that bleeds outside a contour (AAPR fig. 8, spec. para 0006 and 0007) by an absorbing sealing material (Masaki col. 11 lines 14-15). Next Applicants' contention that Masaki's cotton swab is impregnated with solvent always is not persuasive because Masaki in col. 6 lines 60-63 states the cotton swab is optionally impregnated with a solvent, therefore Masaki also describes the cotton swab being not impregnated with solvent. Therefore claims 2 and 15 as presently recited are obvious over the applied AAPR and Masaki. Claims 3-5, 8-10, 12 and 19 were alleged to be allowable because of their dependency upon allegedly allowable claims 2 and 15, however as seen above claims 2 and 15 are not allowable, Therefore claims 3-5, 8-10, 12 and 19 are also not allowable.

BR
02/15/05
(02/09/05)

LONG PHAM
PRIMARY EXAMINER

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